

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Josephine Torres, on behalf of herself and all  
others similarly situated,

Plaintiff,

-against-

Kohlberg, Kravis, Roberts & Co L.P. et al.,

Defendants.

**USDC SDNY**  
**DOCUMENT**  
**ELECTRONICALLY FILED**  
**DOC #:** \_\_\_\_\_  
**DATE FILED:** 9/12/2023

1:20-cv-05025 (MKV) (SDA)

**ORDER**

**STEWART D. AARON, United States Magistrate Judge:**

Following a telephone conference with Plaintiff Josephine Torres (“Plaintiff”) and Defendant Upfield US Inc. (“Defendant”) to discuss the discovery disputes raised in the Joint Letter filed at ECF No. 78, and for the reasons stated on the record, it is hereby Ordered as follows:

1. Based upon Defendant’s representation that the three individuals listed in its amended initial disclosures are the same individuals it would identify in response to an interrogatory seeking persons with relevant information, no further response is required. Defendant is not required to respond to any other interrogatories which go beyond the scope of Local Civil Rule 33.3, as the Court does not find that interrogatories are a more practical method of obtaining the discovery sought by Plaintiff. However, in advance of depositions of the three individuals, Defendant shall identify the subject matter of their respective testimony.
2. No later than Friday, September 15, 2023, Defendant shall file a letter stating the following:

- a. For each of the three individuals identified in its amended initial disclosures, as well as the brand manager for I Can't Believe It's Not Butter Spray, the hit counts (total and de-duped) for communications with the search terms:
    - i. ("I Can't Believe It's Not Butter" OR ICBINB) /2 spray
    - ii. ICBINBS
  - b. The earliest date by which the communications referred to in subparagraph 2(a) can be reviewed and produced.
  - c. Whether Defendant has, in its possession, custody or control, quality control or other reports that reflect the fat, calories or composition of I Can't Believe It's Not Butter Spray and a brief description of the type, frequency and volume of any such reports.
  - d. Whether Defendant has produced all labels and advertisements in its possessions, custody or control.
3. The parties shall meet and confer regarding the documents sought in the Unilever subpoena and, if they cannot reach a resolution, shall file an appropriate Letter Motion.

**SO ORDERED.**

Dated: New York, New York  
September 12, 2023



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STEWART D. AARON  
United States Magistrate Judge